

**COMBINED CIP DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD FOR DELIVERY ENERGY ADJACENT THE INNER WALL OF AN
INTERVERTEBRAL DISC**

the specification of which

_____ is attached hereto.

_____ was filed on January 25, 1999 as Application No. 09/236,816
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section....The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as this is a continuation-in-part application filed under the

conditions set forth in 35 United States Code, §120, which discloses and claims subject matter in addition to the prior copending application(s) listed below, I acknowledge the duty to disclose to the United States Patent Office all information known to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/029,735</u> (Application Serial No.)	<u>October 23, 1996</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/029,600</u> (Application Serial No.)	<u>October 23, 1996</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/029,734</u> (Application Serial No.)	<u>October 23, 1996</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/029,602</u> (Application Serial No.)	<u>October 23, 1996</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/045,941</u> (Application Serial No.)	<u>May 8, 1997</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/047,820</u> (Application Serial No.)	<u>May 28, 1997</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/047,841</u> (Application Serial No.)	<u>May 28, 1997</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/047,818</u> (Application Serial No.)	<u>May 28, 1997</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>60/047,848</u> (Application Serial No.)	<u>May 28, 1997</u> (Filing Date)	<u>Abandoned</u> (Patented, Pending, Abandoned)
<u>08/881,525</u> (Application Serial No.)	<u>June 24, 1997</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)
<u>08/881,692</u> (Application Serial No.)	<u>June 24, 1997</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)
<u>08/881,527</u> (Application Serial No.)	<u>June 24, 1997</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)
<u>08/881,693</u> (Application Serial No.)	<u>June 24, 1997</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)
<u>08/881,694</u> (Application Serial No.)	<u>June 24, 1997</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)
<u>09/153,552</u> (Application Serial No.)	<u>September 15, 1998</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)
<u>09/162,704</u> (Application Serial No.)	<u>September 29, 1998</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Paul Davis	29,294
Mark A. Haynes	30,846
John J. Bruckner	35,816
David J. Weitz	38,362
Kent R. Richardson	39,443
Charles C. Cary	36,764
Jeffrey Wheeler	39,066
David J. Abraham	39,554
U.P. Peter Eng	39,666
Henry Groth	39,696
George A. Willman	41,378
Jinntung Su	41,174
Steven J. Benerofe	41,613
Travis L. Dodd	42,491
Van Mahamedi	42,828
Hayward Verdun	43,223
Shantanu Basu	43,318

Address all correspondence to:

David J. Weitz
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Direct all telephone calls to David J. Weitz at (650) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or

first inventor: Hugh R. Sharkey

Inventor's signature: 

Date: 2/22/99

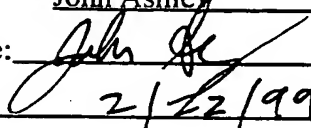
Citizenship: USA

Residence: Woodside, California

Post Office Address: 150 Normandy Lane, Woodside, CA 94062

Full name of

second inventor: John Ashley

Inventor's signature: 

Date: 2/22/99

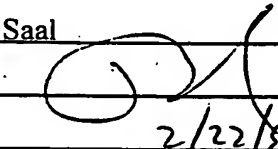
Citizenship: USA

Residence: San Francisco, California

Post Office Address: 184 Burlwood Drive, San Francisco CA 94129

Full name of

third inventor: Joel Saal

Inventor's signature: 

Date: 2/22/99

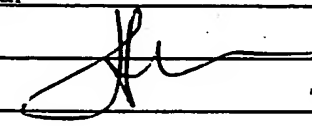
Citizenship: USA

Residence: Portola Valley, California

Post Office Address: 46 Vista Verde Way, Portola Valley, CA 94028

Full name of

fourth inventor: Jeffrey A. Saal

Inventor's signature: 

Date: 3/1/99

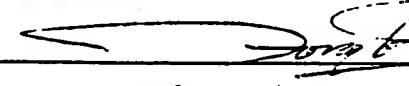
Citizenship: USA

Residence: Portola Valley, California

Post Office Address: 95 Sausal Drive, Portola Valley, CA 94028

Full name of

fifth inventor: Le Trong Le

Inventor's signature: 

Date: 02-22-99

Citizenship: Vietnam

Residence: San Jose, California

Post Office Address: 2694 Somerset Park Circle, San Jose, CA 95132
7230 Royaltree Circle, SAN JOSE, CA 95131